

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DELGARDO SCOTT,)	CASE NO. 2:22-cv-0148
)	
Plaintiff,)	
)	
v.)	<i>Electronically Filed</i>
)	
STARBUCKS CORPORATION, a)	
Washington Corporation, and)	
JOHN DOE,)	
)	
Defendants.)	

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court
for the Western District of Pennsylvania

This Notice of Removal is filed by the Defendant, Starbucks Corporation, by and through its attorneys, Cipriani & Werner, P.C. and Jennifer M. Swistak, Esquire, hereby removing to the Western District of Pennsylvania, Pittsburgh Division, the civil action styled as *Delgado Scott v. Starbucks Corporation, a Washington Corporation, and John Doe*, which is currently pending at Docket Number GD 21-015206 in the Court of Common Pleas of Allegheny County (the “State Court Action”), and state the following grounds for removal:

1. Plaintiff Delgado Scott commenced this action against the Defendants by filing a Complaint on December 20, 2021 in the Court of Common Pleas of Allegheny County, Pennsylvania at Docket No. GD 21-015206. A true and correct copy of the docket evidencing same is attached hereto as Exhibit “A.” A true and correct copy of the Complaint is attached hereto as Exhibit “B.”

2. Plaintiff served Defendant Starbucks Corporation with the Complaint on December 27, 2021 by certified mail. A true and correct copy of the Proof of Service is attached hereto as Exhibit "C."

3. The Complaint is the only pleading filed to date in this case.

4. Plaintiff is individual who resides in and is a citizen of the Commonwealth of Pennsylvania with his residence located at 3835 Hiawatha Street, Apartment A, Pittsburgh, Pennsylvania 15212.

5. Defendant Starbucks Corporation is a Washington corporation with its principal place of business located at 2401 Utah Avenue, South, Suite 800, Seattle, Washington 98134-1436.

6. Defendant John Doe has not been identified and has not been served by the Plaintiff.

7. The Complaint seeks an award of damages in an amount that exceeds the jurisdictional arbitration limits plus costs and interest, and based on the injuries and damages asserted in the Complaint, as well as the alleged special damages of medical expenses and wage loss, Defendant believes the Plaintiff value his case in excess of \$75,000.

8. Plaintiff is asserting injury and damage claims as a result of an incident alleged to have occurred on or about December 31, 2019 at a Starbucks store involving a slip and fall on a water on the restroom floor.

9. This Notice of Removal is filed within thirty (30) days after Defendant Starbucks Corporation was served with a copy of the Plaintiff's Complaint on December 27, 2021 and within one (1) year of the commencement of this matter by Plaintiff on December 20, 2021 by the filing of the Complaint, thus, it is timely filed pursuant to 28 U.S.C. §1446(b) (3) and (c).

10. As all of the parties properly joined in this action and served are diverse and the amount in controversy exceeds \$75,000, this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and this case may be removed to this Court by this Defendant pursuant to the provisions of 28 U.S.C. §§1441 and 1446.

11. Pursuant to 28 U.S.C. § 1446(d) written notice of this Notice of Removal will be filed with the Prothonotary of the Court of Common Pleas of Allegheny County. Additionally written notice of this removal is being provided to Plaintiff's counsel. A copy of the Notice of Filing of Removal Pursuant To 28 U.S.C. §1446(d) to be filed in the State Court Action is attached as Exhibit "D."

12. By filing this Notice of Removal, Defendant Starbucks Corporation does not waive any defenses that may be available to it.

WHEREFORE, the Defendant, Starbucks Corporation, hereby removes the State Court Action to the United States District Court for the Western District of Pennsylvania, Pittsburgh Division.

JURY TRIAL IS DEMANDED.

Respectfully submitted,

CIPRIANI & WERNER, P.C.

Date: 1/26/2022



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Attorney for the Defendant,
Starbucks Corporation

CERTIFICATE OF SERVICE

Counsel for the Defendant, Starbucks Corporation, hereby certifies that a true and correct copy of the attached NOTICE OF REMOVAL was served on Plaintiff's counsel of record via e-mail, according to the Federal Rules of Civil Procedure, on the 26th day of January, 2022, as follows:

G. Christopher Apessos, Esquire
Apossos Law, LLC
200 First Avenue/Third Floor
Pittsburgh, PA 15222
chris@quinnlogue.com
Attorney for Plaintiff

Respectfully submitted,

CIPRIANI & WERNER, P.C.

Date: 1/26/2022



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